

REMARKS

Upon entry of the proposed amendments, claims 1, 7, 17-26, 30, and 33-37 will be pending. Claims 1, 7, 17-21, 25, 26, and 30 have been withdrawn by the Examiner as allegedly being drawn to a non-elected invention. Claims 22-24, and 33-37 are currently under examination. Applicants propose to amend claim 22 as shown above. Support for the amendment can be found throughout the specification, e.g., at page 13, lines 13-15. Applicants propose to amend claims 23 and 24 to replace the term "excessive" with "exaggerated." Support for these amendments can be found in previously entered claim 22.

The proposed amendments would add no new matter to the application. Furthermore, the proposed amendments would raise no new issues and require no additional searching by the Examiner, and instead would place the claims into condition for allowance or at least put the claims into better condition for appeal.

Withdrawn Rejections

Applicants acknowledge and thank the Examiner for withdrawing the rejections of claims 22-24 for allegedly lacking written description.

35 U.S.C. § 112, second paragraph

In the present Office Action, the Office maintains the prior rejection of claims 22-24 as allegedly indefinite. Further, the Office (at page 2 of the Office Action) has rejected newly entered claims 33-37, which depend from claim 22, also for alleged indefiniteness.

The Office (at page 2 of the Office Action) alleges that "[c]laims 22-24 and 33-37 are indefinite as to what result a therapeutically effective amount of the polypeptide complex would produce in the treatment, and what diseases are treated in the claimed method."

Applicants do not agree that the present claims are indefinite. However, in the interest of moving the present application toward allowance, applicants propose to amend claim 22 to recite the phrase, "in an amount sufficient to reduce acetylcholine release from presynaptic nerve terminals." Applicants submit that the proposed amendment to claim 22 would even more


clearly define the metes and bounds of the claim. Accordingly, applicants request that the amendment be entered and that the rejection of claim 22 and claims 23, 24, and 33-37, which depend from claim 22, be withdrawn.

Further, the Office appears to opine that claim 22 is indefinite because it does not recite specific diseases associated with excessive release of acetylcholine. Applicants disagree and submit that this does not render the claim indefinite. Applicants' claim recites a method of treating a patient who is suffering from a disease or condition associated with exaggerated acetylcholine release. Excessive release of acetylcholine is a mechanism that underlies numerous disorders. This is made clear in the specification at page 3, lines 20-29, and skilled practitioners would appreciate the relationship between the underlying mechanism and symptoms and disorders that result, in whole or in part, from it. Thus, skilled practitioners would understand the metes and bounds of claim 22. Therefore, the claim is not indefinite. Accordingly, for the reasons above, applicants request that the amendments be entered and that the present rejection be reconsidered and withdrawn.

The required fees for the Two-Month Petition for Extension of Time and Notice of Appeal are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to deposit account 06-1050, referencing Attorney Docket No. 08387-002003.

Respectfully submitted,

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Todd E. Garcia, Ph.D.
Reg. No. 54,112

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (617) 542-8906